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Agenda item 74
Report of the International Criminal Court

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Democratic Republic of the Congo, Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guyana, Honduras, Hungary, Iceland, Ireland, Italy, Jordan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Mexico, Mongolia, Namibia, Nauru, Netherlands, New Zealand, Niger, Nigeria, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay and Venezuela (Bolivarian Republic of): draft resolution

Report of the International Criminal Court

The General Assembly,

Recalling its resolution 60/29 of 23 November 2005, and all its previous relevant resolutions,

Recalling that the Rome Statute of the International Criminal Court[1] reaffirms the purposes and principles of the Charter of the United Nations,

Emphasizing that justice, especially transitional justice in conflict and post-conflict societies, is a fundamental building block of sustainable peace,

Noting with satisfaction the fact that the International Criminal Court is fully operational and has achieved considerable progress in its analyses, investigations and judicial proceedings in various situations and cases which were referred to it by States parties to the Rome Statute and by the Security Council, in accordance with the Rome Statute,

* Reissued for technical reasons.

[1] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

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Recalling that effective cooperation and assistance by States, the United Nations and other international and regional organizations remains essential for the International Criminal Court to carry out its activities,

Welcoming the continuous support given by civil society to the International Criminal Court,

Expressing its appreciation to the Secretary-General for providing effective and efficient assistance to the International Criminal Court in accordance with the Relationship Agreement between the United Nations and the International Criminal Court ("Relationship Agreement"),[2]

Acknowledging the Relationship Agreement as approved by the General Assembly in its resolution 58/318 of 13 September 2004, including paragraph 3 of the resolution with respect to the payment in full of expenses accruing to the United Nations as a result of the implementation of the Relationship Agreement,[3] which provides a framework for continued cooperation between the Court and the United Nations, which could include the facilitation by the United Nations of the Court's field activities, and encouraging the conclusion of supplementary arrangements and agreements, as necessary,

Recognizing the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

Expressing its appreciation to the International Criminal Court for providing assistance to the Special Court for Sierra Leone and for granting a leave of absence to its Deputy Prosecutor for Investigations to enable him to work for the International Independent Investigation Commission,

Reiterating the historic significance of the adoption of the Rome Statute of the International Criminal Court,

1. *Welcomes* the report of the International Criminal Court for 2005-2006;[4]

2. *Also welcomes* the States that have become parties to the Rome Statute of the International Criminal Court[1] in the past year, and calls upon all States from all regions of the world that are not yet parties to the Rome Statute to consider ratifying or acceding to it without delay;

3. *Calls upon* all States that have not yet done so to consider becoming parties to the Agreement on the Privileges and Immunities of the International Criminal Court;[5]

4. *Encourages* States Parties to the Rome Statute that have not yet done so to adopt national legislation to implement obligations emanating from the Rome Statute and to cooperate with the International Criminal Court in the exercise of its

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[2] See A/58/874 and Add.1.

[3] Articles 10 and 13 of the Relationship Agreement.

[4] A/61/217.

[5] *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II.E.

functions, and recalls the provision of technical assistance by States parties in this respect;

5. *Welcomes* the effective cooperation and assistance provided to the International Criminal Court by States, the United Nations and other international and regional organizations, and calls upon them to continue providing such cooperation and assistance in the future;

6. *Encourages* States to contribute to the Trust Fund established for the benefit of victims of crimes within the jurisdiction of the International Criminal Court, and of the families of such victims, as well as to the Trust Fund for the participation of least developed countries, and *acknowledges with appreciation* contributions made to both trust funds so far;

7. *Emphasizes* the importance of the full implementation of the Relationship Agreement between the United Nations and the International Criminal Court,[2] which forms a framework for close cooperation between the two organizations and for consultation on matters of mutual interest pursuant to the provisions of that Agreement and in conformity with the respective provisions of the Charter of the United Nations and the Rome Statute, as well as the need for comprehensive information from the Secretary-General with respect to steps taken in the implementation of the Relationship Agreement;

8. *Notes* the establishment and operationalization of the International Criminal Court liaison office to United Nations Headquarters, and encourages the Secretary-General to work closely with that office;

9. *Welcomes* the report of the Secretary-General on the work of the Organization,[6] in which reference is made to the important role of the International Criminal Court in advancing the cause of justice and the rule of law;

10. *Recalls* that, by virtue of article 12, paragraph 3, of the Rome Statute, a State which is not a party to the Statute may, by declaration lodged with the Registrar of the International Criminal Court, accept the exercise of jurisdiction by the Court with respect to specific crimes that are mentioned in paragraph 2 of that article;

11. *Notes* the work of the Special Working Group on the Crime of Aggression, which is open to all States on an equal footing, and encourages all States to consider participating actively in the Working Group with a view to elaborating proposals for a provision on the crime of aggression;

12. *Looks forward* to the fifth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, to be held in The Hague from 23 November to 1 December 2006, as well as the resumed fifth session to be held in New York from 29 to 31 January 2007, and encourages the widest possible participation of States in these proceedings;

13. *Takes note* of the decision of the Assembly of States Parties to the Rome Statute of the International Criminal Court at its fourth session, while recalling that according to article 112, paragraph 6, of the Rome Statute, the Assembly of States Parties shall meet at the seat of the Court or at United Nations Headquarters, to hold its sixth session in New York in 2007, and requests the Secretary-General to provide

[6] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 1* (A/61/1).

the necessary services and facilities in accordance with the Relationship Agreement and General Assembly resolution 58/318;

14. *Invites* the International Criminal Court to submit, in accordance with article 6 of the Relationship Agreement, a report on its activities for 2006-2007, for consideration by the General Assembly during its sixty-second session.

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Report of the International Criminal Court

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Antigua and Barbuda, Burundi, Cambodia, Central African Republic, Comoros, Congo, Costa Rica, Djibouti, Dominica, Gabon, Gambia, Haiti, Jamaica, Liberia, Madagascar, Marshall Islands, Montenegro, Panama, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Tajikistan, Timor-Leste, Uganda and Zambia

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